



California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Linda S. Adams
*Secretary for
Environmental Protection*

Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8388

May 16, 2007

Mr. Mark McCormick
Fire Marshal
City of Santa Rosa Fire Department
955 Sonoma Avenue
Santa Rosa, California 95404

Dear Mr. McCormick:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of City of Santa Rosa Fire Department Certified Unified Program Agency (CUPA) on April 17 and 18, 2007. The evaluation was comprised of an in-office program review and field oversight inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the City Of Santa Rosa Fire Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit deficiency progress reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your deficiency progress reports to Jennifer Lorenzo every 90 days after the evaluation date. The first deficiency progress report is due on July 17, 2007.

Cal/EPA also noted during this evaluation that the City of Santa Rosa Fire Department has worked to bring about a number of local program innovations, including their educational materials, CUPA forms and permit applications available in both English and Spanish and their efficient use of email list groups to disseminate information to pertinent business types on a regular basis. Additionally, the CUPA maintains great relationship and communication with other CUPAs within Sonoma County. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

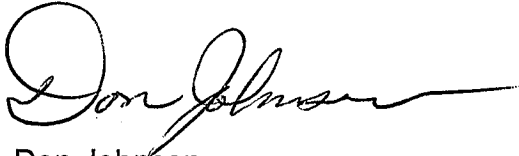
Mr. Mark McCormick

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,



Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Ms. Corey Vincent, CUPA Manager (Sent Via Email)
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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION AMENDED SUMMARY OF FINDINGS

CUPA: CITY OF SANTA ROSA FIRE DEPARTMENT

Evaluation Date: April 17 and 18, 2007

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo
DTSC: Mark Pear
OES: Jack Harrah
SWRCB: Sean Farrow

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA is not fully tracking and reporting all items requested on their Annual Inspection Summary Report 3. For example, the CUPA did not report all the number of other inspections for fiscal years (FY) 2003-2004 and 2004-2005. Additionally, for FY 05/06, the CUPA did not report all the number of regulated businesses, regulated businesses inspected, routine inspections, routine inspections that returned to compliance, other inspections, integrated or multi-media inspections, and CalARP RMP audits.</p> <p>The CUPA is currently transitioning into a new database management system (DMS). However, the CUPA has demonstrated that the quality of the data collected and reported to date has greatly improved.</p> <p>CCR, Title 27, Section 15290(a)(2) (Cal/EPA)</p>	<p>By September 30, 2007, while the CUPA continues to improve their database management system, the CUPA will ensure that the information reported on the Annual Inspection Summary Report 3 will be complete. Before submittal of the report, the CUPA will verify that the data reported are as accurate as possible.</p>
2	<p>The CUPA is not fully tracking and reporting violations information and enforcement actions taken on their Annual Enforcement Summary Report 4. For example, in FY 04/05, the CUPA did not report any formal enforcement actions for all Unified Program elements nor the number of formal</p>	<p>By September 30, 2007, while the CUPA continues to update and improve their database management system, the CUPA will ensure that the violations and enforcement data on the Annual Enforcement Summary</p>

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	<p>enforcement actions for the hazardous waste generator program. Also, the CUPA did not verify the information reported for FY 05/06; the number of violations and enforcement actions for hazardous waste generators were all identified as zeroes.</p> <p>CCR, Title 27, Section 15290(a)(3) (Cal/EPA)</p>	<p>Report 4 will be complete and as accurate as possible.</p>
3	<p>The CUPA is not assessing CalARP state surcharge. The CUPA began regulating CalARP facilities in FY 05/06. However, the CUPA has not assessed the CalARP state surcharge for these facilities.</p> <p>CCR, Title 27, Section 15250(a)(3) and (7) (Cal/EPA)</p>	<p>By the next billing cycle (in August 2007), the CUPA will assess the FY 05/06 and the FY 06/07 CalARP state surcharge on each business regulated under the CalARP program.</p>
4	<p>The CUPA's FY 04/05 and FY 05/06 Self-Audit Reports were missing required elements. The reports were missing the following elements:</p> <ol style="list-style-type: none"> 1. Narrative summary of program element activities, including the effectiveness and efficiency of permitting, inspection, and enforcement activities undertaken; 2. Narrative summary of the annual review and update of the fee accountability program; <p>CCR, Title 27, Section 15280(b) (Cal/EPA)</p>	<p>By October 15, 2007, the CUPA will submit their FY 06/07 Self-Audit Report that contains all the required elements.</p>
5	<p>The CUPA has not completed an annual CalARP performance audit.</p> <p>CCR, Title 19, Section 2780.5 (OES)</p>	<p>By July 1, 2007, the CUPA will complete the FY 06/07 CalARP performance audit. The CUPA may incorporate the CalARP performance audit with the Unified Program FY 06/07 Self-Audit Report.</p>
6	<p>The CUPA's draft March 2007 area plan does not contain a reporting form.</p> <p>CCR, Title 19, Section 2720(c) (OES)</p>	<p>The CUPA corrected this deficiency. The area plan has been revised to include the required reporting form.</p>
7	<p>The CUPA's dispute resolution procedure does not address appeals to the Director of OES for disputes related to the CalARP program.</p> <p>CCR, Title 19, Section 2780.1(b) (OES)</p>	<p>This deficiency has been corrected. The CUPA's dispute resolution procedure has been updated to incorporate the appeals for the CalARP program.</p>
8	<p>The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance inspections during the last three fiscal years. In FY 03/04, the CUPA completed UST compliance inspections for only 69% of the regulated UST facilities. In FY 04/05, the CUPA inspected</p>	<p>By June 30, 2007, and each subsequent year, the CUPA will inspect every UST within its jurisdiction at least once every year.</p>

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	<p>46% of their regulated UST facilities. In FY 05/06, the CUPA inspected 62% of their regulated UST facilities.</p> <p>The CUPA's goal is to meet the inspection frequencies and conduct the compliance inspection during the annual monitoring certification. The CUPA has achieved a 66% inspection compliance frequency for FY 06/07 thus far and should reach 100% this year.</p> <p>HSC, Chap. 6.7, Section 25288 (SWRCB)</p>	
9	<p>The CUPA failed, in some instances, to take enforcement in a manner consistent with state law. The Annual Enforcement Summary Reports indicate that five Class I violations were identified in FY 03/04. However, the CUPA either did not initiate or complete formal enforcement for each of these violations. For example, formal enforcement should have been taken in the case of U-Save Cleaners. This facility had a Class II violation that was not corrected until after the fourth inspection on January 26, 2006. When a facility with a Class II violation fails to come into compliance or is recalcitrant, the violation must be elevated to a Class I violation that requires a formal enforcement action.</p> <p>CCR, Title 27, Section 15200(f)(2)(c) HSC Sections 25110.8.5 and 25117.6 CCR, Title 22, Section 66260.10 and E0-02-003-PP (DTSC)</p>	Effective immediately, the CUPA will initiate and complete the appropriate formal enforcement in the future for all Class I violations.
10	<p>The CUPA did not conduct a complete hazardous waste generator inspection on March 21, 2007. During the oversight inspection with DTSC, the following was noted:</p> <p>1) Inspector failed to determine whether the owner was required to keep a written tank assessment on file certified by a qualified engineer registered in California.</p> <p>CCR, Title 22, Section 66265.192 (DTSC)</p>	By August 1, 2007, the CUPA will determine whether or not the facility obtained a hazardous waste tank assessment (including secondary containment) from an independent, registered qualified engineer for all hazardous waste tanks located on site. If it is determined that the facility failed to obtain the tank assessment, the CUPA will initiate formal enforcement.
11	<p>The CUPA is not conducting hazardous waste generator inspections within the frequency consistent with their Inspection and Enforcement Plan, which is triennial. The CUPA has not inspected all 433 hazardous waste generators within the last three years. The last three Annual Inspection Summary</p>	On an annual basis, the CUPA will inspect approximately a third of its hazardous waste generator and tiered permitting facilities. Beginning July 17, 2007, the CUPA will submit a status of their progress, including the

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<p>Reports indicate the following:</p> <ol style="list-style-type: none">1) 215 hazardous waste generators were identified in FY 03/04 of which 95 were inspected,2) 223 hazardous waste generators were identified in FY 04/05 of which 51 were inspected,3) 433 hazardous waste generators were identified in FY 05/06 of which 102 were inspected. <p>The CUPA has inspected approximately 57% of all known facilities generating hazardous waste over the past three fiscal years. A random review of the files reflects this. For instance, Dutton Radiator, located at 181 Sebastopol Road, was inspected on January 4, 1995, and later on October 6, 2006. Transco Transmission, located at 1470 Santa Rosa Avenue, was inspected on July 1, 1994, and later on March 7, 2006.</p> <p>CCR, Title 27, Section 15200(b)(1) and (2) (DTSC)</p>	<p>number of facilities inspected.</p>
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CUPA Representative

Concurrence
(Print Name)

Corey Vincent
(Signature)

Evaluation Team Leader

JENNIFER L. LORENZO
(Print Name)

Jennifer Lorenzo
(Signature)

Certified Unified Program Agency (CUPA) Evaluation
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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA is implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA has a single fee collection rate of approximately 100%, 99.7%, and 97.7% for the last three fiscal years.

Recommendation: The CUPA is able to collect its fees at a high rate and is encouraged to continue to do so.

2. **Observation:** In addition to the current use of a citation program, the CUPA has recently adopted the AEO process and has begun to use this as an enforcement tool. The CUPA is also working closely with the City Attorney on case referrals. The use of the citation program has helped the CUPA to collect their single fees, including past fees.

Recommendation: The CUPA is encouraged to incorporate their citation program into their Inspection and Enforcement Plan and also to continue to implement the AOE process.

3. **Observation:** Elements of the Inspection and Enforcement Program are included under separate tabs in the CUPA's Policies and Procedures Manual.

Recommendation: The CUPA is encouraged to collectively combine all elements of the Inspection and Enforcement (I&E) Program Plan into one section within the CUPA's procedural files. Including a title page of the I&E Program Plan certifying that the plan has been annually reviewed is recommended. In addition, as part of the annual review, the CUPA is also encouraged to include the summary of the effectiveness and efficiency of the Inspection and Enforcement Program for the previous fiscal year in their Self-Audit Report.

4. **Observation:** As stated in the CUPA's Self-Audit Reports and I&E Program Plan, the inspection frequency for CalARP facilities is presented as being once a year.

Recommendation: The mandated inspection frequency for CalARP inspections is once every three years. However, if the CUPA is able to meet all the inspection frequencies for the other Unified Program elements, then the annual inspection frequency is a worthy goal.

5. **Observation:** Agency files reviewed did not contain documents required to verify facility compliance. Files were missing one or more of the following elements: financial responsibility, designated operator, annual monitoring equipment certification report, and secondary containment testing report.

Recommendation: The SWRCB strongly encourages the CUPA to develop a file review checklist to ensure that all required documents are located in the file. This will help

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agency inspectors to verify that facility owners/operators are submitting the required information and that clerical staff knows what needs to be kept in the files.

6. **Observation:** The UST Inspection checklist does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes, and the database does not track SOC compliance.

Recommendation: Provide a means for determining SOC compliance during the inspection and provide a means for tracking the compliance in order to provide the data for Report 6.

7. **Observation:** The CUPA's files are well-organized and information is easily obtained.

Recommendation: The CUPA is encouraged to continue to maintain their files in a well-kept manner.

8. **Observation:** The CUPA was able to demonstrate that all complaints, which were referred by DTSC from April 1, 2004, to April 1, 2007, were investigated. In addition, follow-up documentation could be found for Complaints Nos.: 06-0906-0491, 05-0905-0438, 05-0205-0102, 06-0806-0459, 06-0806-0460, and 06-0906-0483.

Recommendation: The CUPA is encouraged to keep up the good work and ensure that all complaints are received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to the complaint coordinator (slaney@dtsc.ca.gov). The CUPA is also encouraged to continue to investigate and document all complaints referred. Completion dates should be entered into the complaint log and also continue to notify the complaint coordinator of the disposition of all complaints.

9. **Observation:** There is a difference of approximately 401 facilities between what the CUPA has reported in its latest Annual Inspection Summary Report for FY 05/06 and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in DTSC's Hazardous Waste Tracking System.

Recommendation: The CUPA should reconcile its hazardous waste generator data base providing a total of 433 facilities with that of the DTSC's Hazardous Waste Tracking System indicating a total of 834 facilities.

10. **Observation:** The CUPA has begun using a more detailed generator checklist than those used in prior years which will aid in a more thorough inspection.

Recommendation: The CUPA is encouraged to continue to use the detailed generator checklist.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has an excellent outreach program. The CUPA spent time and effort into converting their inspection forms and program information into Spanish for the Spanish community. Additionally, the CUPA is in the process of providing bilingual education to businesses in need of such services.

The CUPA is also currently working on an educational program that will require attendance of businesses found to be in violation over 30 days. The intent of the educational program is to educate businesses in an effort to reduce non-compliance. This educational program will be a joint effort through a junior college with courses provided by various city and county departments, including the CUPAs on hazardous materials, wastes, etc. The CUPA will incorporate this into their AEO process.

The CUPA sends joint mailers advising business community of regulatory changes on a regular basis. The CUPA's use of email groups to contact various types of businesses is an efficient way to swiftly disseminate information pertinent to the businesses. In addition, the CUPA allows representatives of regulated businesses to attend the quarterly meetings conducted and attended by the CUPA and the three other CUPAs within Sonoma County.

The CUPA has also developed an informative website providing a directory of services, information bulletins on fire and life safety codes, Unified Program Consolidated Forms, UNIDOCs inspections forms, a listing of consultants, and links to other state and federal websites.

2. The CUPA maintains great relationship and communication with other CUPAs within the county for coordination, consolidation, and consistency through quarterly meetings. During these meetings, joint training sessions for CUPA staff on various topics are held. The CUPA has overseen training events, such as subjects on hazardous waste generators and Unidocs. Attendance to CUPA Forum Board meetings are rotated among the CUPA staff.

The CUPA also maintains a close working relationship with other agencies, such as the Regional Water Quality Control Board and the City Police Environmental Crimes Unit.

3. While the CUPA has had all new management and staff within the past two-three fiscal years, the CUPA has been fully able to operate and improve their program. The CUPA staff is finding ways to be more efficient by using tablet PC technology. In an effort to improve their data management, the CUPA has recently upgraded to the CUPA DMS data collection system for hazardous materials, which the other CUPAs within Sonoma County have already adopted. The CUPA is also in the process of incorporating their hazardous materials inventory information into the City of Santa Rosa's GIS database.

The CUPA's goal of paperless business plans is very good. The use of the UNIDOCs on-line inventory system is a great start, especially if it can be made available to responding units on a

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wireless basis. Approximately 80% of their businesses have inventories entered in the UNIDOCS system.

4. The CUPA's new management and staff have been able to implement all aspects of enforcement. For example, on June 26, 2006, numerous violations were discovered at Coby Auto Body, located at 2977 Corby Avenue. Violations included the following: 1) waste spray booth filters not properly disposed, 2) hazardous waste not properly controlled, contained, and labeled, and 3) hazardous waste disposed to sewer. The case has been referred to the city attorney for formal enforcement. Additionally, two other facilities, Energy Meiser and Complete Collision, have been cited with multiple business plan and hazardous waste generator violations and have also been referred to the city attorney.